# Executive Summary – Enforcement Matter – Case No. 46158 COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center RN104254941

Docket No. 2013-0259-PST-E

Order Type:

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

**PST** 

**Small Business:** 

Yes

Location(s) Where Violation(s) Occurred:

Coyanosa Fuel Center, 3004 North Highway 1776, Coyanosa, Pecos County

Type of Operation:

Convenience store with retail sales of gasoline

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 27, 2014

Comments Received: No

### **Penalty Information**

**Total Penalty Assessed:** \$11,750

Amount Deferred for Expedited Settlement: \$2,350 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$265 Total Due to General Revenue: \$9,135

Payment Plan: 35 payments of \$261 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Unclassified Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

### **Investigation Information**

Complaint Date(s): N/A

**Complaint Information**: N/A

Date(s) of Investigation: June 28, 2012 and January 18, 2013

Date(s) of NOE(s): January 18, 2013

## Executive Summary – Enforcement Matter – Case No. 46158 COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center RN104254941 Docket No. 2013-0259-PST-E

### **Violation Information**

- 1. Failed to renew a previously issued underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on July 31, 2007 [30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, one fuel delivery was accepted without a delivery certificate [30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].
- 3. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
- 4. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel [30 Tex. ADMIN. CODE § 334.10(b)(1)(B)].

### Corrective Actions/Technical Requirements

### **Corrective Action(s) Completed:**

N/A

### **Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately:
- i. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form; and
- ii. Begin maintaining all UST records and ensure that they are made immediately available upon request by agency personnel.
- b. Within 30 days, implement a release detection method for all USTs at the Facility.
- c. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions a. and b.

## Executive Summary – Enforcement Matter – Case No. 46158 COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center RN104254941 Docket No. 2013-0259-PST-E

### Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

### **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-5717; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Elmer Braden, Jr., President, COYANOSA COOPERATIVE GIN, P.O.

Box 128, Coyanosa, Texas 79730-0128

Respondent's Attorney: N/A

#### Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assigned 22-Jan-2013 Screening 31-Jan-2013 PCW 15-Apr-2014 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center Reg. Ent. Ref. No. RN104254941 Facility/Site Region 7-Midland Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 46158 No. of Violations 1 Docket No. 2013-0259-PST-E Order Type 1660 Government/Non-Profit Yes Media Program(s) Petroleum Storage Tank Multi-Media Enf. Coordinator Steven Van Landingham EC's Team Enforcement Team 6 \$10,000 Admin. Penalty \$ Limit Minimum Maximum Penalty Calculation Section \$6,000 TOTAL BASE PENALTY (Sum of violation base penalties) ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$0 Subtotals 2, 3, & 7 **Compliance History** 0.0% Enhancement No adjustment for compliance history. Notes 0.0% Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 \$0 **Economic Benefit** 0.0% Enhancement\* Subtotal 6 Total EB Amounts \*Capped at the Total EB \$ Amount Approx. Cost of Compliance \$6,000 SUM OF SUBTOTALS 1-7 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$6,000 STATUTORY LIMIT ADJUSTMENT \$6,000 Final Assessed Penalty -\$1,200 20.0% Reduction Adjustment Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Deferral offered for expedited settlement. Notes

**PAYABLE PENALTY** 

\$4,800

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

**Respondent** COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center **Case ID No.** 46158

Reg. Ent. Reference No. RN104254941

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Steven Van Landingham Van Landingham

Component	Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	O	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audis	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	1
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
at Violator (	Adjustment Per	centage (Sub	total 2
No.		centage (Sub	total 3
pliance Histo	pry Person Classification (Subtotal 7)		
Unclas		centage (Sub	total 7
	ory Summary	contage (Gaz	
Compliance History Notes	No adjustment for compliance history.		

Case ID No. Reg. Ent. Reference No. Media [Statute]	COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center 46158	PCW Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Violation Number Rule Cite(s)		
Violation Description	Failed to renew a previously issued underground storage tank ("UST") certificate by submitting a properly completed UST registration and self-common form at least 30 days before the expiration date. Specifically, the decertificate expired on July 31, 2007.	ertification
	***************************************	e Penalty \$10,000
Release OR Actual Potential		
>>Programmatic Matrix Falsification	Major Moderate Minor  x Percent 10%	
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment	\$9,000
Violation Events		\$1,000
Number of '	Violation Events 6 2011 Number of violation	days
mark only one	daily weekly monthly	
with an x	quarterly Violation Base semiannual x single event	e Penalty \$6,000
	Six annual events are recommended.	
Good Faith Efforts to Com	O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.	\$0
	Violation	Subtotal \$6,000
Economic Benefit (EB) for	this violation Statutory Limit	Test
Estimat	ed EB Amount \$652 Violation Final Penalty (adjusted 6	-
	This violation Final Assessed Penalty (adjusted f	or limits) \$6,000

	E (	conomic	Benefit	Wo	rksheet		
Case ID No.	COYANOSA CO 46158	OOPERATIVE GIN	*************************				
	Petroleum Sto					Percent Interest	Years of Depreciation
Violation No.	1					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
				0.00	\$0	l n/a l	\$0
Remediation/Disposal		الننينين بينين بال					
Remediation/Disposal Permit Costs				0.00	\$0	n/a	\$0
	\$100 Estimated cos		300 1 100 100 100 100 100 100 100 100 10	0.00 1.24	\$0 \$6	n/a n/a	\$0 \$6
Permit Costs	Estimated cos certificatio	st to renew a deliven form. The Date	ery certificate b Required is the co	0.00 1.24 y subme inves implian	\$0 \$6 hitting a properly of tigation date, and ce date.	n/a n/a completed UST regis the Final Date is the	\$0 \$6 tration and self e estimated
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated cos certificatio	st to renew a deliven form. The Date	ery certificate b Required is the co	0.00 1.24 y subme inves implian	\$0 \$6 hitting a properly of tigation date, and ce date.	n/a n/a completed UST regis the Final Date is the	\$0 \$6 tration and sel e estimated
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated cos certificatio	st to renew a deliven form. The Date	ery certificate b Required is the co	0.00 1.24 y subme e inves emplian	\$0 \$6 nitting a properly of tigation date, and ce date. ng item (except	n/a n/a completed UST regis the Final Date is the for one-time avoid	\$0 \$6 tration and self e estimated ded costs)
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated cos certificatio	st to renew a deliven form. The Date	ery certificate b Required is the co	0.00 1.24 y subme inves implian enterir 0.00	\$0 \$6 nitting a properly of tigation date, and ce date. ng item (except \$0	n/a n/a n/a completed UST regis the Final Date is the	\$0 \$6 tration and self e estimated ded costs) \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated cos certificatio	it to renew a deliv on form. The Date	ery certificate b Required is the co	0.00 1.24 y subme investigation enterin 0.00 0.00 0.00 0.00	\$0 \$6 hitting a properly of tigation date, and ce date. ng item (except \$0 \$0 \$0 \$0	n/a n/a completed UST regis the Final Date is the for one-time avoid \$0 \$0	\$0 \$6 tration and selfer estimated ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel spection/Reporting/Sampling	Estimated cos certificatio	it to renew a deliven form. The Date	ery certificate be Required is the co costs before	0.00 1.24 y submetering of the s	\$0 \$6 hitting a properly of tigation date, and ce date. 19 item (except \$0 \$0 \$0	n/a n/a n/a completed UST regis the Final Date is the for one-time avoid \$0 \$0 \$0 \$0	\$0 \$6 tration and self e estimated ded costs) \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated cos certificatio	it to renew a deliv on form. The Date	ery certificate b Required is the co	0.00 1.24 y subme investigation enterin 0.00 0.00 0.00 0.00	\$0 \$6 hitting a properly of tigation date, and ce date. ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a completed UST regis the Final Date is the for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$6 tration and self e estimated ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated cos certificatio	st to ren on form.	ew a deliv The Date	The Date Required is the	un-2012 25-Sep-2013 1,24 ew a delivery certificate by subm The Date Required is the inves complian	un-2012 25-Sep-2013 1,24 \$6  ew a delivery certificate by submitting a properly of the Date Required is the investigation date, and compliance date.	0.00 \$0 n/a in-2012 25-Sep-2013 1,24 \$6 n/a ew a delivery certificate by submitting a properly completed UST regis The Date Required is the investigation date, and the Final Date is the
ts d) ts <b>Sts</b> al	Estimated cos certificatio	it to renew a deliv on form. The Date	ery certificate b Required is the co	0.00 1.24 by submetering investments in the control of the control	\$0 \$6 nitting a properly of tigation date, and ce date. ng item (except \$0 \$0	n/a n/a completed UST regis the Final Date is the for one-time avoid \$0 \$0	\$0 \$6 tration and so e estimated ded costs) \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos certification	it to renew a deliven form. The Date	ery certificate be Required is the co costs before	0.00 1.24 y submetering of the s	\$0 \$6 hitting a properly of tigation date, and ce date. 19 item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a completed UST regis the Final Date is the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$6 tration and se e estimated ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel section/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos certification	it to renew a deliven form. The Date	ery certificate be Required is the co costs before	0.00 1.24 y submetering of the s	\$0 \$6 hitting a properly of tigation date, and ce date. 19 item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a completed UST regis the Final Date is the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$6 tration and se e estimated ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos certification	t to renew a deliven form. The Date	ery certificate be Required is the co-costs before a 28-Jun-2012	0.00 1.24 y subme investing investin	\$0 \$6 hitting a properly of tigation date, and ce date. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$146 \$0	ri/a n/a n/a completed UST regis the Final Date is the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$6 tration and se e estimated <b>ded costs)</b> \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL  \$500  Estimated ave	it to renew a deliver on form. The Date of	ery certificate be Required is the co-costs before a 28-Jun-2012 per full year) to elivery certificate	0.00 1.24 y subme investmplian enterir 0.00 0.00 0.00 0.00 5.83 0.00 accurae. The	\$0 \$6 hitting a properly of tigation date, and ce date. ng item (except \$0 \$0 \$0 \$0 \$0 \$146 \$0	n/a n/a n/a completed UST regis the Final Date is the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$to the final Date is the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$6 tration and selfer estimated ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

#### Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 DATES Assigned 22-Jan-2013 Screening 31-Jan-2013 PCW 15-Apr-2014 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center Reg. Ent. Ref. No. RN104254941 Facility/Site Region 7-Midland Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 46158 No. of Violations 3 Docket No. 2013-0259-PST-E Order Type 1660 Government/Non-Profit Yes Media Program(s) Petroleum Storage Tank Multi-Media Enf. Coordinator Steven Van Landingham EC's Team Enforcement Team 6 \$0 Maximum Admin. Penalty \$ Limit Minimum \$25,000 Penalty Calculation Section \$5,750 TOTAL BASE PENALTY (Sum of violation base penalties) ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$0 **Compliance History** Subtotals 2, 3, & 7 0.0% Enhancement No adjustment for compliance history. Notes **Culpability** No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement\* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts \*Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$5,750 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$5,750 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$5,750

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY** 

Deferral offered for expedited settlement.

20.0%

Reduction

Adjustment

-\$1,150

\$4,600

Screening Date 31-Jan-2013

Docket No. 2013-0259-PST-E

Respondent COYANOSA COOPERATIVE GIN dba Coyanosa Fue

Case ID No. 46158

Reg. Ent. Reference No. RN104254941

**Media [Statute]** Petroleum Storage Tank **Enf. Coordinator** Steven Van Landingham

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	1	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
eat Violator ( No		t (Cub	4040131
		centage (Sub	totai sj
pliance Histo	ry Person Classification (Subtotal 7)		
Unclass	ified Adjustment Per	centage (Sub	total 7)
pliance Histo	ory Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Compliance History Adjustment Percentage (S		

Screening Date		E P	CW
	COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center	Policy Revision 3 (September	1
Case ID No. Reg. Ent. Reference No.		PCW Revision August 3	, 2011
	Petroleum Storage Tank		
	Steven Van Landingham		
Violation Number			
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 2	6.3467(a)	
Violation Description	Failed to make available to a common carrier a valid, current TCE certificate before accepting delivery of a regulated substance into the storage tanks ("USTs"). Specifically, one fuel delivery was accepted delivery certificate.	underground	***************************************
Accounts to the second		Base Penalty \$2	5,000
>> Environmental, Proper	y and Human Health Matrix		
	Harm		
Release OR Actual	Major Moderate Minor		
Potential	X Percent 3.0	1%	
, otential			
>>Programmatic Matrix			
Falsification	Major Moderate Minor	201	
<u>Liiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii</u>	Percent 0.0	0%	
Human healt!	or the environment will or could be exposed to insignificant amounts	of pollutants	
Matrix which would n	ot exceed levels that are protective of human health or environmental		
Notes	a result of the violation.		
	Adjustment	\$24,250	
			\$750
Violation Events			
Number of V	iolation Events 1 1 Number of violati	ion days	
	daily weekly		
	monthly		
mark only one with an x		Base Penalty	\$750
mun an x	semiannual	•	THE PERSON NAMED IN COLUMN 1
	annual		T. S.
1	single eventx		
	One single event is recommended for accepting one fuel delivery.		iii.
Good Faith Efforts to Comp	ly 0.0% Reduction		\$0
	Before NOV NOV to EDPRP/Settlement Offer		
THE PROPERTY OF THE PROPERTY O	Extraordinary		
	Ordinary Example 1		
	N/A (mark with x)		
	Notes The Respondent does not meet the good faith criteria i	for	
10011	this violation.		
	Violat	ion Subtotal	\$750
Esquancia d'autre (entre-			7,30
Economic Benefit (EB) for			+7F0
Estimate	d EB Amount \$0 Violation Final P		\$750
	This violation Final Assessed Penalty (adjuste	u for limits)	\$750

	RN104254941						Years of
Violation No.	Petroleum Sto 1	rage rank				Percent Interest	Depreciation
		L.L				5.0	15
Item Description		Date Required	rinai Date	YFS	Interest Saved	Unetime Costs	EB Amount
ttem bescription	No commas or a			1000111000000			
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0.	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		4		0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		Economic	Benefit include	d in vio	lation no. 1 on PC	W revision 2.	
Notes for DELAYED costs  Avoided Costs	ANNUAL					W revision 2.	ded costs)
	ANNUAL			enterir 0.00	ig item (except	for one-time avoid	\$0
Avoided Costs Disposal Personnel	ANNUAL			enterir 0.00 0.00	ng item (except ) \$0 \$0	for one-time avoid \$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL			0.00 0.00 0.00 0.00	1g item (except   \$0	for one-time avoid \$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			0.00 0.00 0.00 0.00	so \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel repection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			0.00 0.00 0.00 0.00 0.00	so (except   \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL			0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			0.00 0.00 0.00 0.00 0.00	so (except   \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL			0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Respondent COYANOSA COOPERATIVE GIN dos Coyanosa Fuel Center  Actors ID No. 46155  Reg. Ent. Reference No. RN104254941  Reference No. RN104254941  Medial Statute] Petroleum Storage Tank Enf. Coordinator  Violation Number  Violation Petroleum Storage Tank Enf. Coordinator  Rule Cite(s)  30 Tex. Admin, Code § 394.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)  Violation Description  Failed to monitor the USTs for releases at a frequency of at least once every month  (not to exceed 35 days between each monitoring).  >> Environmental, Property and Numan Health Matrix  Harm Release Major Moderate Minor  Percent 15.0%  >> Programmatic Matrix  Faisification Major Moderate Minor  Percent 0.0%  Matrix  Internal health or the environmental receptors as a result of the violation days  Wiolation Events  Number of Violation Events  One monthly event is recommended based on documentation of the violation days  Violation Base Penalty  13 Number of Violation Base Penalty  Soldie event  One monthly event is recommended based on documentation of the violation days  Violation Substate  Fair Respondent does not meet the good faith criteria for this violation substate  Soldie event  Fair Respondent does not meet the good faith criteria for this violation Substate  Fair Respondent does not meet the good faith criteria for this violation Final Penalty Total  Statutory Limit Fest  Estimated EB Amount 593 Violation Final Penalty Total 53,750  This violation Final Assessed Penalty (adjusted for limits) 53,750	PCW	Experimental control of the control	Screening Da	
Reg. Ent. Reference No. RIJL04554941 Media [Statute] Petroleum Storage Tank Ent. Coordinator Stown Van Landingham Violation Number 2 30 Tex. Admin. Code § 359 S0(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)  Violation Description Failed to monitor the USTs for releases at a frequency of at least once every month (not to blocked 33 Gays between each monitoring).  **Property and Human Health Matrix Release Major Moderate Minor Petront Actual Petront Talification Major Moderate Minor Talificati				
Media   Statute   Petroleum Storage Tank   Enf. Coordinator   Steven Van Landingham   Violation Number   2   30 Tex. Admin. Code § 334-50(b)(1)(A) and Tex. Water Code § 26-3475(c)(1)	evision August 3, 2011			Reg.
Violation Number 2 30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)  Violation Description  Falled to monitor the USTs for releases at a frequency of at least ence every month (not to exceed 35 days between each monitoring).  **Second Falled to monitor the USTs for releases at a frequency of at least ence every month (not to exceed 35 days between each monitoring).  **Base Penalty**  **Second Falled to monitor the USTs for releases at a frequency of at least ence every month (not to exceed 35 days between each monitoring).  **Base Penalty**  **Second Falled to monitor the USTs for releases at a frequency of at least ence every month (not to exceed 35 days between each monitoring).  **Base Penalty**  **Second Falled to monitor the USTs for releases at a frequency of at least ence every month (not to exceed 35 days between each monitoring).  **Base Penalty**  **Percent**  **Logs**  **Percent**  **Logs**  **Percent**  **Logs**  **Matrix**  **Itums health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Adjustment**  **Second Falled Each of the violation Events**  **Notes**  **Violation Base Penalty**  **Violation Base Penalty**  **Violation Base Penalty**  **Violation Base Penalty**  **Second Falle Efforts to Comply**  **One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 secreting date.  **Cood Falle Efforts to Comply**  **Defendencino**  **One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 13, 2013 secreting date.  **One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 18, 2013 secreting date.  **One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the Janu		Petroleum Storage Tank	Media [Statute	•
Violation Description   Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).				
Violation Description  Falled to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).  See Penalty  See				-
Seconomic Benefit (EB) for this violation   Seconomic Benefit (E		30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)	•	
Seconomic Benefit (EB) for this violation   Seconomic Benefit (E				
Seconomic Benefit (EB) for this violation   Statutory Limit Test   Seconomic Benefit (EB) for this violation   Statutory Limit Test   Seconomic Benefit (EB) for this violation   Statutory Limit Test   Seconomic Benefit (EB) for this violation   Statutory Limit Test   Seconomic Benefit (EB) for this violation   Statutory Limit Test   Seconomic Benefit (EB) for this violation   Seconomic Benefit (EB) for this viola			Violation Descripti	
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor   Actual   Potential   X   Percent   15.0%		(not to exceed 35 days between each monitoring).	sionation bescripe	
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor   Actual   Potential   X   Percent   15.0%				
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor   Actual   Potential   X   Percent   15.0%	¢35.000	Base Baseller		
Harm   Actual   Percent   15.0%	\$25,000	base Penaity_		
OR Actual Potential X Percent 15.0%  >> Programmatic Matrix Faisification Major Moderate Minor Percent 0.0%  Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Matrix Notes			nvironmental, Prop	>> Env
>> Programmatic Matrix Falsification Major Moderate Minor Percent 0.0%  Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Adjustment**  **Adjustment**  **\$21,250*  **\$3,750*  Violation Events**  Number of Violation Events**  Number of Violation Events**  **Number of Violation Events**  **Number of Violation Events**  **Number of Violation Events**  **One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  **Good Faith Efforts to Comply**  **Ordinary**  **Ordinary**  **Ordinary**  **Ordinary**  **NA**  **Notes**  **The Respondent does not meet the good faith criteria for this violation.  **Violation Subtotal**  **Statutory Limit Test**  **Estimated EB Amount**  **Systematical EB Amount**  **Systemati			Relea	
Programmatic Matrix  Falsification Major Moderate Minor  Percent 0.096  Matrix Notes  Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  ### Adjustment \$21,250    \$3,750   \$3,750    Violation Events    Number of Violation Events 1				OR
Faisification Major Moderate Minor  Percent 0.0%  Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$21,250  \$3,750  Violation Events  Number of Violation Events 1 13 Number of violation days  daily weekly monthly weekly monthly weekly monthly x guarterly semiannual single event    One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  Good Faith Efforts to Comply 0.0% Reduction Sefore Nov Nov to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal 33,750  Economic Benefit (EB) for this violation 53,750		Percent 15.0%	Potent	
Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment				>>Prog
Matrix Notes  Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment  \$21,250  \$3,750  Violation Events  Number of Violation Base Penalty  Weekly, Monthly of your environmental panuary  Semiannual single event  One monthly event is recommended based on documentation of the violation during the January  18, 2013 record review to the January 31, 2013 screening date.  Good Faith Efforts to Comply  D.0% Reduction  Before NOV NOV to EDPRE/Settlement Offer  Extraordinary  Ordinary  N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$3,750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$93  Violation Final Penalty Total  \$3,750			Falsificatio	
Notes that are protective of human health or environmental receptors as a result of the violation.    Adjustment		refeett 0.070		
Notes that are protective of human health or environmental receptors as a result of the violation.    Adjustment		or the environment will or could be exposed to pollutants which would exceed levels	Matrix Human hea	
Violation Events  Number of Violation Events  Number of Violation Events    1		tantiti anno anno anno anno anno anno anno ann	1988 1988 1988 1988 1988 1988 1988 1988	
Violation Events  Number of Violation Events  Number of Violation Events    1	***************************************			
Violation Events		Adjustment \$21,250		
Number of Violation Events 1 13 Number of violation days  daily weekly monthly x youth an x  One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  Good Faith Efforts to Comply 0.0% Reduction \$0  Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation \$3,750	\$3,750			
Number of Violation Events 1 13 Number of violation days  daily weekly monthly x youth an x  One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  Good Faith Efforts to Comply 0.0% Reduction \$0  Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation \$3,750		_	·	
daily			ition Events	Violatio
weekly monthly quarterly semiannual annual single event  One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  Good Faith Efforts to Comply 0.0% Reduction \$0  Extraordinary Ordinary N/A x ((mark with x))  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation \$3,750		Violation Events 1 Number of violation days	Number	
weekly monthly and weekly monthly and weekly monthly semiannual annual single event   One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  Good Faith Efforts to Comply 0.0% Reduction \$0  Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x ((mark with x))  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$93 Violation Final Penalty Total \$3,750		dan.		
Good Faith Efforts to Comply  Ordinary Ordinary Ordinary N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  \$3,750  \$3,750  \$3,750  \$3,750  \$3,750  \$4,2013 record review to the January 31, 2013 screening date.  \$4,2013 record review to the January 31, 2013 screening date.  \$5,000  \$6,000				
Quartery   Semiannual			mark only on	
One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  Good Faith Efforts to Comply  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A X ((mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$93  Violation Final Penalty Total \$3,750	\$3,750			
One monthly event is recommended based on documentation of the violation during the January 18, 2013 record review to the January 31, 2013 screening date.  Good Faith Efforts to Comply  0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$93 Violation Final Penalty Total \$3,750				
Good Faith Efforts to Comply  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$3,750		single event		
Good Faith Efforts to Comply  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$3,750	200		<u> </u>	
Good Faith Efforts to Comply  Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$93  Violation Final Penalty Total \$3,750			One mont	
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$93 Violation Final Penalty Total \$3,750			<b>L</b>	
Extraordinary Ordinary N/A  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$3,750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$93  Violation Final Penalty Total  \$3,750	\$0	ply 0.0% Reduction	l Faith Efforts to Co	Good Fa
Ordinary  N/A  X  (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$93  Violation Final Penalty Total \$3,750				
N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$3,750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$93 Violation Final Penalty Total \$3,750				
Violation Subtotal \$3,750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$93 Violation Final Penalty Total \$3,750				
Violation Subtotal \$3,750  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$93 Violation Final Penalty Total \$3,750		The Respondent does not meet the good faith criteria for		
Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$93 Violation Final Penalty Total \$3,750		Notesi		
Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$93 Violation Final Penalty Total \$3,750				
Estimated EB Amount \$93 Violation Final Penalty Total \$3,750	\$3,750	Violation Subtotal		
Estimated EB Amount \$93 Violation Final Penalty Total \$3,750		this violation Statutory Limit Test	omic Benefit (EB) fo	Econom
	10 7			
This violation Final Assessed Penalty (adjusted for limits) \$3,750	\$3,750	eu EB Amount \$93 Violation Final Penalty Total	Estim	
	\$3,750	This violation Final Assessed Penalty (adjusted for limits)		383833333333333

	E	conomic	Benefit	Wo	rksheet		
Respondent	COYANOSA CO	OOPERATIVE GIN	dba Coyanosa	Fuel Ce	nter		
Case ID No.	46158						
a. Ent. Reference No.	RN104254941						
**	Petroleum Sto						Years of
Violation No.						Percent Interest	Depreciation
Violation ivo.	4						
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	_	.,			<del>,</del>		
Equipment	<u> </u>			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land	L			0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	<u> </u>			0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	28-Jun-2012	25-Sep-2013	1.24	\$93	n/a	\$93
	#Estimated cos						
Notes for DELAYED costs			Date is the es	timated	date of complian		
Avoided Costs			Date is the es	timated <b>enteri</b> i	l date of compliand	ce. for one-time avoid	ded costs)
Avoided Costs Disposal			Date is the es	timated <b>enteri</b> 0.00	d date of compliand  ng item (except \$0	ce. for one-time avoid	ded costs) \$0
Avoided Costs Disposal Personnel			Date is the es	enterii 0.00 0.00	d date of compliand ng item (except \$0 \$0	for one-time avoid	ded costs) \$0 \$0
Avoided Costs Disposal Personnel Dection/Reporting/Sampling			Date is the es	enterii   0.00   0.00   0.00	ng item (except \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	#0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment			Date is the es	enterii   0.00   0.00   0.00   0.00	d date of compliance  ng item (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Date is the es	enterii   0.00   0.00   0.00   0.00	date of compliance  ng item (except  \$0  \$0  \$0  \$0  \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Date is the es	enterii   0.00   0.00   0.00   0.00	d date of compliance  ng item (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is the es	enterii   0.00   0.00   0.00   0.00   0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is the es	enterii   0.00   0.00   0.00   0.00   0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is the es	enterii   0.00   0.00   0.00   0.00   0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is the es	enterii   0.00   0.00   0.00   0.00   0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is the es	enterii   0.00   0.00   0.00   0.00   0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			Date is the es	enterii   0.00   0.00   0.00   0.00   0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
Respondent Case ID No.	COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.		PCW Revision August 3, 2011
Media [Statute]	Petroleum Storage Tank	
	Steven Van Landingham	
Violation Number Rule Cite(s)	[3:::::::3	
Rule Cite(5)	30 Tex. Admin, Code § 334.10(b)(1)(B)	
		**************************************
	Failed to maintain UST records and make them immediately available for in	nanadian
Violation Description	upon request by agency personnel.	Ispection
To the state of th		
	Base	e Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix Harm	
Release	Major Moderate Minor	
OR Actual		
Potential	Percent 0.0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	X Percent 5.0%	
Matrix Notes	100% of the rule requirement was not met.	
Notes		
	Adjustment	\$23,750
	rupsurcii	
000000000000000000000000000000000000000		\$1,250
Violation Events		
Number of \	/iolation Events 1 13 Number of violation	days
	daily	
	weekly	
mark only one	monthly	A1.3F0
with an x	quarterly Violation Base semiannual Violation Base	e Penalty \$1,250
	annual	
	single event x	
	One single event is recommended.	
Good Faith Efforts to Com	oly 0.0% Reduction	\$0
docu ratur Enteres ty com	Before NOV NOV to EDPRP/Settlement Offer	40
	Extraordinary	'
-	Ordinary	
-	N/A  X   (mark with x)	
	Notes The Respondent does not meet the good faith criteria for	
The second secon	this violation.	
	Violation	Subtotal \$1,250
Economic Benefit (EB) for	this violation Statutory Limit	Test
	ed EB Amount \$29 Violation Final Pena	
Estiniate		
	This violation Final Assessed Penalty (adjusted for	or limits) \$1,250

Respondent		CONOMIC OOPERATIVE GIN		222222222			
Case ID No.	46158						
ea. Ent. Reference No.	RN104254941						
	Petroleum Sto						Years of
Violation No.						Percent Interest	Depreciation
Violation ito.	Ĭ					5.0	15
	Thom Cork	Date Required	Final Date	Vua	Interest Found	Onetime Costs	EB Amount
Item Description			rillal Date	113	Tillerest Saveu	Onethine Custs	EB AIIIUUIIL
Delayed Costs							
Equipment	<b></b>			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	28-Jun-2012	25-Aug-2013	1.16	\$29	n/a	\$29
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs			the estima	ted da	te of compliance.	tigation date, and the	
Disposal				0.00	\$0	\$0	\$0
		<del> </del>				\$0	
		👪 Tibuta III bassa maran . 👪		0.00	\$(1)		
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel spection/Reporting/Sampling					\$0 \$0 \$0	<del></del>	\$0
Personnel				0.00	\$0	\$0	\$0 \$0
Personnel nspection/Reporting/Sampling Supplies/equipment				0.00	\$0 \$0 \$0 \$0	\$0 \$0	\$0 \$0 \$0
Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601087190, RN104254941, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, CN601087190, COYANOSA COOPERATIVE GIN Classification: UNCLASSIFIED Rating: ----

or Owner/Operator:

Regulated Entity:

RN104254941, COYANOSA FUEL CENTER Classification: UNCLASSIFIED

Rating: ----

**Complexity Points:** 

Repeat Violator: NO

CH Group:

14 - Other

Location:

3004 N HIGHWAY 1776 COYANOSA, TX 79730, PECOS COUNTY

TCEO Region:

REGION 07 - MIDLAND

Compliance History Period: September 01, 2007 to August 31, 2012

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 76661

Rating Year: 2012

**Rating Date:** 09/01/2012

Date Compliance History Report Prepared: January 31, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 31, 2008 to January 31, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Theresa Stephens

Phone: (512) 239-2540

### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If YES for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If YES, when did the change(s) in owner or operator N/A occur?

### Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

# F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

**Sites Outside of Texas:** 

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
COYANOSA COOPERATIVE GIN	§	TEXAS COMMISSION ON
DBA COYANOSA FUEL CENTER	§	
RN104254941	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2013-0259-PST-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center ("Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 3004 North Highway 1776 in Coyanosa, Pecos County, Texas (the "Facility").
- 2. The Respondent's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 23, 2013.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Eleven Thousand Seven Hundred Fifty Dollars (\$11,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Sixty-Five Dollars

(\$2,350) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Nine Thousand One Hundred Thirty-Five Dollars (\$9,135) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Sixty-One Dollars (\$261) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during an investigation conducted on June 28, 2012 and a record review conducted on January 18, 2013. Specifically, the delivery certificate expired on July 31, 2007.

- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during a record review conducted on January 18, 2013. Specifically, one fuel delivery was accepted without a delivery certificate.
- 3. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during a record review conducted on January 18, 2013.
- 4. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(1)(B), as documented during a record review conducted on January 18, 2013.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center, Docket No. 2013-0259-PST-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order:
    - i. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, in accordance with 30 Tex. ADMIN. CODE § 334.8 to:

Registration and Reporting Section Permitting & Registration Support Division, MC129 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- ii. Begin maintaining all UST records and ensure that they are made immediately available upon request by agency personnel, in accordance with 30 Tex. ADMIN. CODE § 334.10.
- b. Within 30 days after the effective date of this Agreed Order, implement a release detection method for all USTs at the Facility, in accordance with 30 Tex. ADMIN. CODE § 334.50.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Midland Regional Office Texas Commission on Environmental Quality 3300 North A Street, Building 4, Suite 107 Midland, Texas 79705-5404

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God,

war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Pann Moring For the Executive Director	7/18/14 Date
I, the undersigned, have read and understand tagree to the attached Agreed Order on behalf of do agree to the terms and conditions specified thaccepting payment for the penalty amount, is many	f the entity indicated below my signature, and interein. I further acknowledge that the TCEQ, in
<ul><li>additional penalties, and/or attorney fees</li><li>Increased penalties in any future enforcer</li></ul>	may result in: ins submitted; deneral's Office for contempt, injunctive relief, or to a collection agency; ment actions; eral's Office of any future enforcement actions; by law.
Signature Small	5-29-14 Date
Elmer Brader 5r Name (Printed or typed) Authorized Representative of COYANOSA COOPERATIVE GIN dba Coyanosa	Title Fuel Center
Instructions: Send the original, signed Agreed Order Division, Revenue Operations Section at the	with penalty payment to the Financial Administration address in Section IV, Paragraph 1 of this Agreed Order.

Paid in full